

***DOVER CODE***

**GENERAL PROVISIONS**

**CHAPTER 1**

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**[HISTORY: Adopted by the City Council on November 13, 2013 as Ord. No. 2013.10.09-013]**

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### **ARTICLE I**

#### **ADOPTION OF CODE**

##### **1-1. Adoption of Code.**

Pursuant to C3-10 of the Charter, the ordinances of the City of Dover of a general and permanent nature, adopted by the City Council, as revised, codified and consolidated into chapters and sections by the Ordinance Codification and Verification Committee and consisting of Chapters 1-170 each inclusive, are hereby approved, adopted, ordained and enacted as the “Code of the City of Dover”, herein known and referred to as the “Code”. The Code shall be treated and considered as a new and original comprehensive ordinance which shall completely supersede the Revised Ordinances of the City of Dover, 1983 and all other general ordinances passed by the City Council, prior to November 13, 2013, except as by reference thereto as expressly identified, saved from repeal or continued in force and effect for any purpose.

##### **1-2. Code supersedes prior ordinances.**

This ordinance and the Code shall supersede all other general and permanent ordinances enacted prior to the enactment of this Code, except such ordinances as are hereinafter expressly saved from repeal, continued in force, or identified.

##### **1-3. Effective date.**

All provisions of this ordinance and the Code shall be in full force and effect on and after November 13, 2013.

##### **1-4. Copy of Code on file.**

A copy of the Code in loose-leaf form has been filed in the office of the City Clerk and shall remain there for use and examination by the public until final action is taken on this ordinance; and if this ordinance shall be adopted, such copy shall be certified to by the Clerk of the City of Dover by impressing thereon the seal of the City, as provided by law, and such certified volume shall remain on file in the office of the Clerk, to be made available to persons desiring to examine the same during all times while the said Code is in effect. Per Charter C3-10 Codification of Ordinances the City Council and City Clerk will affix signatures and the City Seal to the certified volume.

##### **1-5. Distribution of ordinances.**

Printed copies of the certified volume of the Code shall be distributed by the Clerk to the members of the City Council. Such copies will receive periodic updates. Electronic representation of the Code shall be maintained on the City web-site.

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### **1-6. Ordinances and resolutions saved from repeal; matters not affected.**

The repeal of ordinances and resolutions provided for in 1-2 of this ordinance shall not affect the following classes of ordinances, resolutions, rights and obligations, which are hereby expressly saved from repeal:

- A. Any ordinance or resolution adopted subsequent to November 13, 2013.
- B. Any right or liability established, accrued or incurred under any legislative provision of the City of Dover prior to the effective date of this ordinance or any action or proceeding brought for the enforcement of such right or liability.
- C. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision of the City of Dover or any penalty, punishment or forfeiture which may result therefrom.
- D. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision of the City of Dover.
- E. Any franchise, license, right, easement or privilege heretofore granted or conferred by the City of Dover.
- F. Any ordinance or resolution of the City of Dover providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the City of Dover, or any portion thereof.
- G. Any ordinance or resolution of the City of Dover appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the City of Dover or other instruments or evidence of the City's indebtedness.
- H. Ordinances or resolutions authorizing the purchase, sale, lease or transfer of property, or any lawful contract or obligation.
- I. The levy or imposition of special assessments or charges.
- J. The dedication of property.
- K. Any ordinances or resolutions relating to salaries or employee health or retirement benefits.
- L. Any ordinance relating to the control of motor vehicles and traffic within the City of Dover.

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### **1-7. Changes in previously adopted ordinances.**

In compiling and preparing the ordinances for adoption and revision as part of the Code, pursuant to C3-10 Codification of Ordinances of the Charter, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the City Council that all such changes be adopted as part of the Code as if the ordinances so changed had previously been formally amended to read as such.

### **1-8. Severability.**

If any clause, sentence, paragraph, section, Article or part of this ordinance or resolution cited hereof shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, Article or part thereof directly involved in the controversy in which such judgment shall have been rendered.

### **1-9. Code book to be kept up-to-date.**

It shall be the duty of the City Clerk to keep up-to-date the certified volume of the book containing the Code of the City of Dover required to be filed in the Office of the Clerk for the use of the public. All changes in said Code and all ordinances adopted by the City Council subsequent to the enactment of this Chapter in such form as to indicate the intention of the City Council to be a part of said Code shall, when finally enacted or adopted, prompt the City Clerk to update the certified volume of the Code and maintain the integrity of the ordinances.

### **1-10. Sale of Code book; supplementation.**

Copies of the Code book containing the Code of the City of Dover may be purchased from the Clerk of the City of Dover according to the fee as set in the Fee Schedule.

### **1-11. Publication; filing.**

The Clerk of the City of Dover, pursuant to law, shall cause to be published, in the manner required, notice of the introduction and adoption of this Chapter in the official newspaper of the City. A copy of the Code of the City of Dover shall be maintained in the Office of the Clerk for inspection by the public at all times during regular office hours. The enactment and application of this Chapter, including publication as required by state law and the Charter, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

### **1-12. Tampering with Code; penalties for offenses.**

Any person who, without authorization from the City Clerk, changes or amends, by additions or deletions, any part or portion of the Code of the City of Dover or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the City of Dover to be

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misrepresented thereby or who violates any other provision of this ordinance shall, upon conviction thereof, be subject to a fine of not more than five hundred dollars (\$500.00).

### **1-13. Incorporation of provisions into Code.**

This ordinance and provisions of this ordinance are hereby made Chapter 1 of the Code of the City of Dover, to be entitled "General Provisions". The official Ordinance voted on by the City Council November 13, 2013 Ord. No. O-2013.10.09-013 pages 1&2 adopting this Chapter will also be included in this Chapter.

### **1-14. Acknowledgment.**

The Ordinance Codification and Verification Committee acknowledges the efforts of numerous individuals, including the City Council, the City Manager, City General Legal Counsel, City Staff, Department Heads and the Public. Their diligence to the required tasks of research and review of legislation contributed the needed coordination of all communications involved. Ordinance Codification and Verification Committee Members, Councilor Catherine Cheney, Chair; Councilor Karen Weston, Co-Chair; Councilor Michael Weeden, Clerk; Councilor Dorothea Hooper; General Legal Counsel Allan Krans, ex officio; General Legal Counsel Anthony I. Blenkinsop, ex officio. The codification and authentication of the ordinances of the City of Dover reflects an appreciation of the needs of the community.

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### **ARTICLE II**

#### **CODIFICATION AUTHENTICATION**

##### **1-15. Preface.**

The City of Dover has passed through the struggles that characterized all American communities in history. While only a few simple laws were necessary at the time of the incorporation of the city, subsequent growth of the community, together with the complexity of modern life, has created the need for more detailed ordinances for the proper function and government of the city. The recording of local law is an aspect of municipal history, and as the community develops and changes, review and current trends must keep pace. The orderly collection of these records is an important step in this ever-continuing process. Ordinances must be more than mere chronological enactments reposing in the pages of old records. They must be available and logically arranged for convenient use and must be kept up-to-date. It was with thoughts such as these in mind that the City Council ordered the codification and authentication of the ordinances under C3-10 of the Dover City Charter, formed an Ordinance Codification and Verification Committee wherein their primary effort would be this effort of codification and authentication. This ordinance will be adopted in the Code of Dover as Chapter 1 to provide contiguity and access to history for a path to origins of all code changes from 1957 to 2013.

##### **1-16. Contents of Code.**

The various Chapters of the Code contain all currently effective ordinances of a general and permanent nature enacted by the City Council except as identified in this Chapter.

##### **1-17. Reserved Chapters.**

Reserved Chapters have been saved as such, indicating no new Chapters were added. Chapters that were repealed during the effort are now designated as "Reserved".

##### **1-18. Division of Code.**

The Code is divided into parts. Part I, Administrative Legislation, contains all city ordinances of an administrative nature, namely those dealing with the administration of government. Including those establishing or regulating municipal departments and those affecting officers and employees of the municipal government and its departments. Part II, General Legislation, contains all other ordinances of a regulatory nature. Ordinances in this part generally impose penalties for violation of their provisions, whereas those in Part I do not.

##### **1-19. Grouping of Ordinances and Arrangement of Chapters.**

The ordinances are organized into chapters, their order being an alphabetical progression from one subject to another. Wherever there are two or more ordinances dealing with the same subject, they are combined into a single chapter. Thus, for example, all ordinances pertaining to alarm systems and security may be found in Part II, in the Chapter entitled "Alarms and

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Security.” In such Chapters the use of Article designations has preserved the identity of the individual ordinances.

### **1-20. Table of Contents.**

The Table of Contents details the arrangement of material by Chapter as a means of identifying specific areas of legislation. Wherever two or more ordinances are combined titles of the several Articles are listed beneath the Chapter title in order to facilitate location of the ordinances.

### **1-21. Pagination.**

The page-numbering system used in each Chapter forms an autonomous unit. On each page there is the letter “P” with the number of that Chapter followed by a “-” (dash) and the page number within the Chapter. Thus Chapter 2 begins with page “*P 2-1*”, Chapter 41 on page *P 41-1*, etc.

### **1-22. Numbering of Sections.**

A Chapter-related section-numbering system is employed, in which each section of every ordinance is assigned a number which indicates both the number of the Chapter and the location of the section within that Chapter. Taken separately, each describes the content of a particular section. For ease and precision of reference, the Scheme titles are repeated as section headings in the text.

### **1-23. Chapter Histories.**

At the bottom of the Table of Contents in each Chapter is located the legislative history for that Chapter. This history indicates the specific ordinance source from which the chapter was derived, including the ordinance number and the date of adoption. In the case of Articles derived from more than one ordinance, the source of each Article is noted.

### **1-24. Additions, Amendments, Revisions, Repeals.**

Ordinance sections added, amended, revised or repealed at the time of this codification are specifically enumerated in Chapter histories with reference to “Ch. 1, General Provisions (2013)” where the ordinance adopting this Code and making these revisions will appear after final enactment. Sections so amended or revised are also indicated in the text by means of editor’s notes referring to the Chapters cited in this Chapter. The history of other amendments to each Chapter appears where pertinent in the text.

### **1-25. General References.**

In each Chapter containing material related to other Chapters in the Code, a table of General References is included to direct the reader’s attention to such related Chapters.



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### **1-26. Standardized Changes.**

These changes, amendments and revisions are found in Article II of this Chapter.

- A. The use of gender-neutral language where appropriate; where “Chairman” was found updated to “Chair”, where “his designee” found “designee”.
- B. Renumbering of sections and paragraphs as defined by the Codification effort; ie: 22.1-1 to 22.2 and 22.2 to 22.3 as appropriate; this was applied to all sections.
- C. Amended Statutory references in Chapters using “RSA” in place of “Revised Statutes Annotated” and Verifying reference accuracies; ie: Chapter 56 (56-2, 56-3.A).
- D. The use of “Reserved” for portions of the Code with articulation of the name of the Code section deleted either through this effort or as carried forward; use of the word “formerly” with the name of the Section or Chapter title and reference to the history in annotation for the Section/Chapter; ie: Chapter 30 Historic District “RESERVED (formerly ...) also Chapter 63 Auto Courts and Trailer Camps.
- E. Footnotes were added/restored where through the Verification/Authentication effort they were applicable throughout the Chapters; ie: Chapters 9, 14, 22, 35, 45, 50, 53, 56, 60, 71, 77...
- F. Footnotes were not tied to sections where deleting a footnote would cause subsequent footnotes to change within a Chapter; for this change and reasoning, when Chapters are updated the entire Chapter must be republished and reprinted in its entirety.
- G. Standardization of format used for text in the Chapters using a Style Guide.
- H. Definition sections were relocated to the beginning of Chapters; ie: Chapter 113 Floodplain Development.
- I. Definition words used in Chapters were all changed to start with a Capital letter; the first letter to signify the word as a defined word within the Chapter.
- J. Annotations; Amended, Added, Repealed language, were researched and restored/added with appropriate content throughout all Chapters.
- K. Chapter 1 is generally applicable to all Chapters, but specific Chapters have the notation “see Ch. 1, General Provisions (2013)” inserted.
- L. Standardization on use of terms:
  - (1) For Definitions “As used in this Chapter the following terms mean:”

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(2) Use of the word “Chapter” versus Ordinance, Code

- M. References were checked to simplify Fees. The phrase “see Fee Schedule” was inserted as provided for in Chapter 9 Budget; verbose fee descriptions simplified and standardized; adopted annually by the City Council as part of the budget process the Fee Schedule can be updated without reviewing individual Ordinances; ie: Chapter 60-10 was “100” changed to “Fee Schedule”, Chapter 71-1 had no reference or amount needed “Fee Schedule”. Examples are:
- (1) Ch. 1 General Provisions 1-10 Fee for Code Book
  - (2) Ch. 60 Amusements and Arcades 60-10 \$100
  - (3) Ch. 68 Building Permits 68-16
  - (4) Ch. 86 Dances and Dance Halls 86-3
  - (5) Ch. 89 Dogs 89-10 (89-3 remain in Chapter as determined by state)
  - (6) Ch. 92-7 Driveways 92-7B \$2
  - (7) Ch. 33 Peddlers and Vendors 133-6
- N. Violations, Fines and Penalties were reviewed throughout the Code with appropriate Departments and as a Committee to ensure they were applicable and in amounts appropriate through both time change and State amounts.
- O. Use of the century ie: 2013 where the first digits are 20 to comply with turn of the century clarification.
- P. Use of 365 days versus 1 year where doing so provided clarity.
- Q. Appropriate Departments reviewed content and Chapters updated in accordance with recommendations, research and discussions with the Committee.
- R. STYLE GUIDE - the Ordinance Codification and Verification Committee used the Style Guide below for the effort. It created and supported consistency and is provided as a suggested beginning template for future updates or new Chapters.

STYLE GUIDE		
Item	Style	Example
Header	Text: Odd (first) page “Dover Code”   Even (second) page: Code Title Font: Times New Roman Size: 12 point Format: <i>Italics</i>   <b>Bold</b>   ALL CAPS   Centered	Odd page example: <b><i>DOVER CODE</i></b>  Even page example: <b><i>ZONING</i></b>
Footer	Text: Page number Font: Times New Roman Size: 12 point Format: <i>Italics</i>   <b>Bold</b>   “P” Code number “-“ #   Centered	<b><i>P 170-1</i></b>

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Margins	Top: 0.5” Bottom: 0.5” Right: 1” Left: 1”	
Spacing	Format: Unless otherwise specified, Semi- Block formatting (single spaced with double spacing between paragraphs/all individual elements) tab 0.5” to begin each paragraph.	Element one text has single spacing between lines.  Element two has single spacing between lines.
Chapter Title	Text: Chapter title with chapter number below Font: Times New Roman Size: 14 point for number   16 point for title Format: <b>Bold</b>   ALL CAPS   Centered	<b>ZONING</b>  <b>CHAPTER 170</b>
Table of Contents	Text: Section number Font: Times New Roman Size: 12 point Format: <b>Bold</b>   section “.” tab section title “.”   1 Column 1.25/1.75” inch indent/tab	<b>170-1. Title.</b>
History & General References	Text: “HISTORY:” with “Amendments noted where applicable.” with General References below Font: Times New Roman Size: 10 point Format: History enclose with [ ] all bold   ALL CAPS for “GENERAL REFERENCES” - note   Left aligned	<b>[HISTORY: Adopted by the City Council of the City of Dover on 02-04-2010 by Ord. No. _____. Amendments noted where applicable.]</b>  GENERAL REFERENCES – Dover ordinances Chapter 116 Public Health.
Editor’s Notes	Text: Use symbols beginning with “*” to designate footnote Font: Times New Roman Size: 12 point Format: Left aligned to symbol at end of page	to secure a license. <sup>1</sup>
Article Title	Text: Article number roman numeral with Article title below Font: Times New Roman Size: 14 point Format: <b>Bold</b>   ALL CAPS   Centered	<b>ARTICLE VII</b> <b>OVERRIDING</b> <b>DISTRICTS</b>

<sup>1</sup> Editor's Note: Editor’s Notes appear in this form

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Chapter Definitions	Text: Code Font: Times New Roman Size: 12 point Format: Left Justified	The following definitions shall apply to this section  <b>EMPLOYEE</b> - Any person who handles food
Section Title	Text: Section Number and title Font: Times New Roman Size: 14 point Format: <b>Bold</b>   section # “. ” tab section title “. ”	<b>170-1. Title.</b>
Reserved Section Title  Apply for Reserved Chapter Titles also	Text: Section Number and Reserved, followed by former title Font: Times New Roman Size: 14 Point Format: <b>Bold</b>   section # “. ” Tab section “Reserved.” (formerly “chapter name”)	<b>135-5. Reserved. (formerly Disposition of Monies.)</b>
Section Text	Text: Code Font: Times New Roman Size: 12 point Format: Semi block 0.5” tab left justified	This chapter shall be known and may be cited as the “Zoning Ordinance of the City of Dover, New Hampshire.”
Annotations [Amendments]	Text: Amendment, date and number Font: Times New Roman Size: 10 point Format: [Amended on Mo-Dy-Yr by Ord. No. _____]   <b>Bold</b>	[Amended on 01-03-12 by Ord. No. _____]  <b>To be placed next to Section Title unless otherwise noted</b>
Numbered Outline	Text: Capital. (number) (letter) (roman)  No outline formatting on single subject entries Font: Times New Roman Size: 12 point Format: 0.25” Hanging indent aligned to text above	Code text appears normally above numbered outlines.  A. Code text  (1) Code text  (a) Code Text  (i) Code Text

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### **1-27. Summary of Chapter Specific Changes.**

In all Chapters Codified/Authenticated all the preceding provisions in this Chapter apply including: use of the Style Sheet, Changes (see 1-7), correcting/standardizing annotations, keeping, verifying, restoring annotations with language it pertains to, standardized verbiage, correcting footnotes, all modifications contained and some Chapter specific changes.

## **PART I - ADMINISTRATIVE LEGISLATION**

### **Chapter 2 CITY COUNCIL ORIENTATION:**

- 2-2 Preparation and Presentation of the Orientation Program – provide for review by existing Council for incoming Council
- 2-5 Video and Audio Recording – New, provide for recording of City Council Orientation proceedings

### **Chapter 3 ADMINISTRATIVE CODE:**

- Description language verified/updated
- 3-4 clarification for City Council setting department head salaries
- RSA and Charter compliances checked and updated
- 3-41 Bidding amounts compliant with RSA
- This Chapter is recommended by Administration

### **Chapter 5 COMMITTEES, BOARDS AND COMMISSIONS:**

- Description language verified/updated
- RSA and Charter compliances checked and updated
- O-2013.01.09-1 Parking Commission ordinance adopted/included through process
- O-2013.06.26-011 Arts Commission ordinance adopted/included through process

### **Chapter 9 BUDGET:**

- 9-3 Schedule of Fees – standardize on Fee Schedule for all Chapters as reference
- Provide for Fee Schedule by the same deadline (April 15<sup>th</sup>) as the Budget

### **Chapter 14 CONSERVATION COMMISSION:**

- 14-4 Membership; Terms; Removal; Vacancies – updated to include not less than three members
- Corrected Annotations

### **Chapter 22 CODE OF ETHICS:**

- HISTORY: included Ordinance notation
- 22.1.1 → 22.2
- 22-2 → 22.3
- 22-10. Future Employment – updated (1) year to 365 days
- GENERAL REFERENCES: include Dover Charter Article X

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### **Chapter 26 FISCAL YEAR:**

- 26-1 RSA notation standardized/updated

### **Chapter 30 HISTORIC DISTRICTS:**

- Status Changed to RESERVED per Department

### **Chapter 35 LICENSING BOARD:**

- Annotations, Footnotes

### **Chapter 41 PLANNING BOARD:**

- 41-4 status changed to Reserved (formerly Advisory Committee) per department recommendation
- 41-5 status changed to Reserved (formerly Membership of Advisory Committees) per department recommendation
- 41-6 status changed to Reserved (formerly Approval and Recording of Plats) per department recommendation
- 41-7 status changed to Reserved (formerly Recording of Streets and Parks on Official Map) per department recommendation
- 41-8 status changed to Reserved (formerly Subdivision Regulations) per department recommendation
- 41-9 status changed to Reserved (formerly Standards for Subdivision Approval) per department recommendation
- 41-10 status changed to Reserved (formerly Conditional Approval of Plats) per department recommendation
- 41-11 status changed to Reserved (formerly Plat Submission Procedure) per department recommendation
- 41-12 status changed to Reserved (formerly Separate Acceptance of Streets and Open Space) per department recommendation
- 41-13 status changed to Reserved (formerly Street Acceptance Procedure) per department recommendation
- 41-14 status changed to Reserved (formerly Access to Public Streets) per department recommendation
- 41-15 status changed to Reserved (formerly Sale of Land Prior to Approval; Penalties) per department recommendation
- 41-1 Establishment – RSA notation standardized
- 41-2 Powers and Duties – updated per Department recommendation/review
- 41-3 Composition of Board – standardized language, clarified per Department recommendation/review
- 41-4 through 41-15 revoked department recommendation status Reserved (formerly...)

### **Chapter 45 FILING OF RULES AND REGULATIONS:**

- Formatting verified
- HISTORY updated
- Footnotes fixed – previously referred to A172 no longer used

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### **Chapter 50 SEAL:**

- Formatting verified
- HISTORY updated

### **Chapter 53 SURETY LIMITATIONS:**

- Formatting verified

## **PART II - GENERAL LEGISLATION**

### **Chapter 56 ADULT BOOKSTORES:**

- Statute language standardized (RSA)
- 56-3 RSA clarification
- 56-3 fine updated \$200 to \$300 dollar amount standardized
- Annotations (amended... restored)
- Formatting verified

### **Chapter 58 ALARMS AND SECURITY:**

- TABLE OF CONTENTS ARTICLE IV TELEGRAPH FIRE ALARM – clarified Repealed Ordinance/Date
- 58-3 Definitions and Word Usage – standardized definition language
- 58-5 Enforcement and 58-6 Inspections– verbiage Article standardized to Chapter
- 58-7 Responsibility for Compliance and other sections of Chapter capitalized for proper reference to definitions
- 58-10 Exterior Doors... clarified references and definitions
- 58-16.1 → 58-17
- 58-17 → 58-18
- 58-18 → 58-19
- 58-19 → 58-20
- 58-20 → 58-21
- 58-21 → 58-22
- 58-22 → 58-23
- 58-23 → 58-24
- 58-24 → 58-25
- 58-25 → 58-26
- 58-26 → 58-27
- 58-27 → 58-28
- 58-28 → 58-29
- 58-29 → 58-30
- 58-30 → 58-31
- 58-31 → 58-32
- 58-32 → 58-33
- 58-33 → 58-34

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### **Chapter 60 AMUSEMENTS AND ARCADES:**

- ARTICLE I title changed from BOXING to PROFESSIONAL FIGHTING SPORTS COMPETITIONS
- 60-1 Bouts changed to Professional Fighting Sports Competitions
- 60-11 Machine License Transfer Fee - \$10 changed to refer to Fee Schedule
- 60-12 Arcade License Transfer Fee – \$100 changed to refer to Fee Schedule
- Use of Chapter language standardized
- Clarified definition for MECHANICAL DEVICE
- 60-10 Referred to Fee Schedule (where fee was \$100.00) in Chapter

### **Chapter 63 AUTO COURTS AND TRAILER CAMPS:**

- REPEALED - Status Changed to RESERVED per Department

### **Chapter 66 BICYCLES, SKATEBOARDS AND SCOOTERS:**

- HISTORY added amended notations
- 66-1 Definitions – qualified Scooter
- 66-2 Bicycle Registration Required; Non Transferability – added Dover Residence as a qualifier
- 66-5 Violations and Penalties – standardized monies notation, qualified wording on violation

### **Chapter 68 BUILDING CONSTRUCTION:**

- TABLE OF CONTENTS updated Reserved sections with formerly language
- HISTORY – included amended notation missing
- 68-1 Statutory Authority – standardized RSA notation
- 68-2 Adoption of Standards – included missing amended notation, clarified specific and general language in paragraph to Building Code
- 68-3 Office of the Building Official Established – clarified language
- 68-3 chief executive officer of the City of Dover → City Manager
- 68-13 Building Official – fixed footnote and amended language (done throughout Chapter as in others)
- 68-7 68-9 68-10 68-11 added repealed notations and formerly titles
- 68-11 REPEALED status changed to Reserved (formerly Fees)
- 68-14.D Building Permit Procedure – clarified/added
- 68-16 Building Permit Fees – clarified see Fee Schedule

### **Chapter 71 BUILDING WRECKING AND DEMOLITION:**

- Corrected Footnotes

### **Chapter 74 CEMETERIES:**

- TABLE OF CONTENTS updated Reserved sections with formerly language
- Corrected Footnotes
- 74-4 Certain Vehicles and Domestic Animals Restricted – corrected annotations, clarified motorcycles, bicycles with OHRV Off Highway Recreational Vehicles



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### **Chapter 77 CITY MOTOR VEHICLES:**

- Corrected Footnotes

### **Chapter 79 CITY PROPERTY:**

- Corrected Footnotes
- Standardized RSA reference
- 78-7 Naming of City Property – standardized RSA reference
- 78-8 Violations and Penalties – standardized dollar notation
- 79-10 Storage of Sludge on City Property Prohibited - standardized dollar notation
- 79-11 Disposing of Tax Deeded and City Owned Real Estate changed to Disposing of City Owned Real Estate, paragraph language clarified/updated, amended notations corrected/added, dollar notation standardized
- 79-11(J) REMOVED
- 79-11(J) as Renumbered → Corrected referenced names for DBIDA – Dover Business and Industrial Development Authority (was Dover Economic Development Corporation)
- 79-12 Use of City Property – language clarified/updated
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### **Chapter 82 CURFEW:**

- Added Reserved and formerly language to Chapter (was REPEALED in 2008)

### **Chapter 86 DANCES AND DANCE HALLS:**

- 86-3 Fees – moved to Fee Schedule
- 86-10 Closing Hours on Sunday – REMOVED added Reserved and formerly notation
- 86-11 Violations and Penalties – updated fine from \$100 to \$500 and standardized dollar notation

### **Chapter 89 DOGS:**

- Corrected footnotes and amended notation language and placement, standardized Chapter reference
- Fees in 89-3 remain in chapter set by state
- 89-6 Penalty for Unlicensed Dog – verified fines with state amounts
- 89-7 Seizure of Unlicensed Dogs – clarified names and entities of organizations
- 89-9 Impoundment – clarified language
- 89-10 Notice to Owner; Redemption – clarified language, put in Fee Schedule reference

### **Chapter 92 DRIVEWAYS:**

- Clarified language throughout, defined terms capitalized
- 92-2 Statutory Authority– standardized, verified and updated RSA
- 92-3 Applicability – clarified and changed language
- 92-4 Driveway definition changed
- 92-5 Construction Permits – standardized, verified and updated RSA
- 92-6 Standards – corrected format of defined terms

## ***GENERAL PROVISIONS***

- 92-7.B Paving Contractor's License – put in Fee Schedule reference was \$2
- 92-10 Modifications of Standards – clarified references
- 92-11 REMOVED “All abutters shall be notified of said hearing by certified mail.”  
As language in 92-11(A) was updated to clarify requirement

### **Chapter 94 DRUG PARAPHERNALIA:**

- REPEALED per department recommendation added Reserved and formerly reference

### **Chapter 97 TRASH AND RECYCLING COLLECTION:**

- Clarified language throughout, defined terms capitalized
- History added amended language
- 97-1 Definitions added amended language, took out “means”
- 97-3.A Commercial Collections – updated
- 97-6 RSA updated
- 97-16.D Composting Operations – removed paragraph (b)
- 97-15 Fines updated

### **Chapter 99 EATING AND DRINKING ESTABLISHMENTS:**

- Table of Contents 99-11 updated with Reserved
- 99-1 Definitions - updated
- 99-3 Fees – clarified Fee Schedule language
- 99-5 Inspection updated from 3 to 6 months
- 99-6.M Sanitation Requirements temperature from 50 to 40 degrees
- 99-11 put in Reserved formerly language

### **Chapter 100 ELECTIONS:**

- 100-3 Candidates – updated RSA reference, clarified Chapter 137 reference
- 100-4 Conduct at Polls – clarified language 10 foot corridor
- 100-4(E) Added bi-annual election law class
- 100-5 Election Assistants – clarified language
- 100-6 Board of Supervisors of Elections – standardized RSA references
- 

### **Chapter 102 ELECTRICAL STANDARDS:**

- TABLE OF CONTENTS updated Reserved sections with formerly language
- Corrected HISTORY amended reference
- 102-3, 102-5, 102-8 added Reserved with formerly reference
- Restored amended notation
- 102-30 Fees – clarified language

### **Chapter 109 FIRE PREVENTION AND LIFE SAFETY:**

- TABLE OF CONTENTS updated Reserved sections with formerly language
- Corrected HISTORY amended reference
- Clarified language throughout, defined terms capitalized

## ***DOVER CODE***

- 109-1 Statutory Authority – standardized RSA notation
- 109-3, 109-4, 109-12 added formerly language to Reserved title
- 109-15 Violations and Penalties – put in standardized dollar notation
- 109-19 Smoke Detection Requirements – clarified language reference to editions of NFPA guides
- 109-24 Violations and Penalties – clarified language
- 109-27 Oil Burners and Equipment clarified RSA 153 State Board of Standards reference
- 109-29 Violations and Penalties – clarified language
- 109-30 Installation of Sprinkler System Required – clarified language reference to editions
- 109-32 Violations and Penalties – clarified language
- 109-33.J Public Safety Amplification System Required in Large Facilities – Violations and Penalties - clarified language

### **Chapter 113 FLOODPLAIN DEVELOPMENT:**

- TABLE OF CONTENTS **renumbering of Chapter (113-4 through 113-14)**, to move Definitions to beginning of Chapter
- Inserted Article II WORDS and PHRASES from Article V
- ARTICLE V → ARTICLE II
- ARTICLE II → ARTICLE III
- ARTICLE III → ARTICLE IV
- ARTICLE IV → ARTICLE V
- Clarified language throughout, defined terms capitalized, standard Chapter word use inserted
- 113-4 Definitions was 113-14 – new terms inserted, updated existing terms
- Annotations added/restored

### **Chapter 116 HEALTH, PUBLIC:**

- TABLE OF CONTENTS updated Reserved sections with formerly language
- 116-2.1 Feeding of Wildlife on Public Property renumbered to 116-3
- 116-3 renumbered to 116-4 – Reserved with formerly reference
- 116-5 Household Drains replaced 116-5 Construction of Privies and Cesspools
- 116-6 Reserved with formerly language to include reference for 116-5 Construction of Privies and Cesspools and 116-6 Hours of Cesspool Cleaning
- 113-3 REMOVED (formerly Keeping of Animals) status changed to Reserved see Chapter 170 Zoning
- REMOVED Construction of Privies and Cesspools, Permitted Hours for Cesspool Cleaning
- 116-7.1 → 116-8
- 116-7.2 → 116-9
- 116-8 → 116-10
- 116-9 → 116-11
- 116-10 → 116-12

## ***GENERAL PROVISIONS***

- 116-11 → 116-13
- 116-12 → 116-14
- 116-13 → 116-15

### **Chapter 119 HOUSING STANDARDS:**

- TABLE OF CONTENTS, combined Title and Statutory Authority sections to move Definitions to beginning of Chapter from 119-34 to 119-2
- Updated GENERAL REFERENCES section to put in Chapter 102 Electrical Standards
- 119-2 Definitions moved from 119-34
- 119-3 Purpose – language and RSA reference clarified
- 119-6 Defense of Officers and Employees – language clarified
- 119-8 Administration - language clarified
- 119-11 Basic Equipment and Facilities – removed footnote and annotated paragraph title, corrected paragraph C annotation
- 119-12.B(3) Occupancy Standards – inserted Chapter reference for clarification
- 119-13.B(3)(d) Space, Use and Location – clarified State Building Code and State Fire Code reference
- capitalization of defined terms throughout Chapter

### **Chapter 126 MANUFACTURED HOME PARK:**

- Title of Chapter changed title from Mobile Home Parks
- Changed referenced to mobile homes to manufactured home
- Footnotes corrected
- 126-1 Definitions – updated
- 126-2 location in Manufactured Home Parks; Standards – clarified language and HUD reference
- 126-5 Site Requirements – updated/clarified
- 126-5.I update 3 to 5 feet
- 126-6 Streets, Walks and Parking – updated/clarified
- 126-6.C changed from 2 to 3 feet
- 126-7 Utilities – updated/clarified
- 126-9.C RSA notation standardized
- 126-12 Appeals – RSA language standardized

### **Chapter 127 MUNICIPAL RECORDS:**

- HISTORY updated/clarified
- 127-1 Municipal Records Committee – clarified with State Statute, verbiage clarified specific to Dover
- 127-2 Definitions – updated
- 127 -3.O powers, Duties, and Guidelines - clarified
- 127-4 Records Management Officer – section clarified, gender neutrality included

## ***DOVER CODE***

### **Chapter 131 OFFENSES:**

- TABLE OF CONTENTS – updated, sections changed
- 131-1 Reserved – now Definitions – Definitions added to Chapter with formerly Loitering and Obstruction language
- 131-3 Prohibited Weapons – language updated
- 131-3.1 → 131-4 Safe Storage of Firearms formerly language added  
Definitions removed
- 131-4 Reserved – struck out removed for renumbering of 131-3.1
- Amended notation corrected/restored
- 131-13 formerly language added
- 131-13.1 → 131-14 Fireworks – language added for clarification Chapter 109  
Fire Prevention and life Safety
- 131-13.2 → 131-15 Operation of Boats and Vehicles on Willand Pond  
Restricted
- 131-14 → 131-16 Violations and Penalties
- 131-15 → 131-17 Sale of Rolling Papers to Minors – language updated
- 131-16 → 131-18 School Truancy
- 131-17 → 131-19 Facilitation of a Drug or Underage Alcohol Party – dollar  
amounts standardized, amended language corrected
- 131-18 → 131-20 Use of Tobacco Products in Henry Law Park, School  
Grounds – title changed, language added/updated, clarified, dollar amount  
standardized notation
- 131-19 → 131-21 Use of Tobacco Products on the Grounds of the McConnell  
Center and Dover Public Library – amended language corrected, dollar amounts  
standardized
- 131-20 → 131-22 Registered Sex Offender Restrictions – amended language  
corrected, language updated/clarified, defined terms capitalized, paragraph  
sequenced
- O-2013.01.09-002 Adopted during Codification

### **Chapter 132 ADULT ENTERTAINMENT PROHIBITIONS:**

- REPLACED - This Chapter is recommended by Committee and Department through  
advice and research by Department – updated to conform to State Statute, portions  
removed and added/updated, also consistent with other communities.

### **Chapter 133 PEDDLERS AND VENDORS:**

- 133-1 Purpose – standardized and verified RSA notation
- 133-2 License Required: Display of License – clarified language, capitalized defined  
terms
- 133-3 Definitions – updated
- 133-6 Fees – Fee Schedule
- 133-7.B Exemptions – clarified for agricultural
- 133-8 Violations – dollar standard notation put in
- Amended language clarified and restored

## ***GENERAL PROVISIONS***

### **Chapter 135 PLUMBING:**

- TABLE OF CONTENTS – added formerly references
- HISTORY – corrected ordinance reference
- Corrected/restored annotation references
- 135-24 Violations and Penalties – updated fine from \$100 to \$200

### **Chapter 137 POLITICAL CONTRIBUTIONS AND EXPENDITURES:**

- HISTORY – corrected ordinance reference
- Corrected/restored annotation references
- Capitalized defined terms

### **Chapter 140 RESERVED:**

- Verified added Reserved formerly Refuse and Annotation to ordinance reference language

### **Chapter 143 SCENIC ROADS:**

- Fixed footnotes and annotations
- 143-1 Designation – clarified language
- 143-21 143-2 Effect of Designation – fixed RSA reference from 252:18 to 231:158, reference to City Council
- 143-4 Protection of Stonewalls – clarified language, City Council, reference to this Chapter

### **Chapter 147 SEWERS:**

- Corrected table contents added formerly language to Reserved.
- Updated defined terms with Capitalization for clarity
- Fixed paragraph run-ons
- 147-3 Fee Schedule reference added
- City's authorized representative changed to Community Services Director, or designee,
- 147-6.E(2) changed Dover Utilities Commission to Director of Community Services, or designee,
- Corrected tables 147-6.E(10)
- Corrected CFR reference and other language 147-13
- 147-15.C(1)(b) language clarification

### **Chapter 148 WATER SYSTEM:**

- REPLACED - This Chapter is recommended by Committee and Department through advice and research by Department – updated to conform with State Statute, portions removed and added/updated, also consistent with other communities.

### **Chapter 149 SITE REVIEW REGULATIONS:**

- HISTORY – added reference to original City Council adoption 1978.

## ***DOVER CODE***

- Chapter 149 is administered and updated by the Planning Board by authority granted by RSA 673. The Planning Board utilizes that right and Chapter 149 and Chapter 155 exist as under Chapter 41 Planning Board.
- Fixed reference typing throughout (ie: 149-13(19), 149-14(2)(c)) reference changed to Chapter 147 Sewers (was rules and regulations of the Dover Sewer Ordinance)
- Fixed tables

### **Chapter 152 STREETS AND SIDEWALKS:**

- TABLE OF CONTENTS – corrected to include PART(s), added formerly language, renumbered 152-6.1 to 152-6, removed Specific Areas of Five Year Prohibition, Waiver of Provisions,-152-6.1 Application; Denial; Appeal, Article XIV corrected to XIII, title updates for 152-28, 152-32
- HISTORY – fixed incorrect ordinance reference/added missing ordinance reference
- 153-3 Reserved – added formerly language
- clarified footnotes
- corrected/restored annotation references
- capitalized defined terms
- ARTICLE III-A changed to ARTICLE III formerly language added
- 152-11 Violations and Penalties – standard dollar notation put in
- 152-13 Violations and Penalties – standard dollar notation put in
- 152-15 Violations and Penalties – standard dollar notation put in
- 152-20 Interference with Vehicular or Pedestrian Traffic – language clarified
- 152-21 Violations and Penalties – standard dollar notation put in
- ARTICLE XII changed to ARTICLE III amended language added, Definitions language clarified
- 152-28.C Licensing of Location – News Rack Limited Exception – paragraphs fixed language clarified
- 152-31 hold Harmless and Insurance – language clarified – terms updated

### **Chapter 155 SUBDIVISION OF LAND:**

- HISTORY – added reference to original City Council adoption 1978.
- Chapter 155 is administered and updated by the Planning Board by authority granted by RSA 673. The Planning Board utilizes that right and Chapter 149 and Chapter 155 exist as under Chapter 41 Planning Board.
- Added 4” and 16” to language 155-40.D(d)
- Minor language and syntax updates throughout

### **Chapter 161 TAXICABS:**

- 161-1 Definitions – language standardized
- Defined terms Capitalized throughout Chapter
- Amended language restored

## ***GENERAL PROVISIONS***

### **Chapter 163 TREES AND VEGETATION:**

- HISTORY – fixed added reference
- 163-2 Definitions – clarified terms, City Arborist
- Capitalized defined terms, clarified language

### **Chapter 165 MOTOR VEHICLE REGISTRATION EXEMPTION FOR PRISONERS OF WAR:**

- HISTORY – fixed added reference

### **Chapter 166 VEHICLES:**

- TABLE OF CONTENTS – corrected to include PART(s), added formerly language
- HISTORY – fixed incorrect ordinance reference, clarified history
- FOOTNOTES – corrected, clarified
- Formatted – corrected amended notations
- O-2013.04.10 -003, -004, -005, -006, -007 Adopted and included during Codification ordinances passed by City Council on 04-24-2013
- Included Department recommendations
- Included missing ordinances (ie: 2012.07.25-11)
- Most schedules were revised
- 166-47 Reserved corrected
- 166-53 Schedule F: Commercial Vehicle Travel Restricted – Department recommended extensive update as code was outdated.
- 166 Schedule H updated per department
- 166-56 Schedule I: No Parking Any Time – updates and clarifications

### **Chapter 170 ZONING:**

- Updated annotation references (adding “20” to years after 2000)
- Capitalized Chapter
- Added “designee” removing gender specific language
- Standardizing on section references
- Verifying where indications to numbers were it was enumerated (ie: two (2))



## ***DOVER CODE***

### **ARTICLE III**

#### **MATTERS OF THE CODE**

##### **1-28. Legislation Adopted/Excluded During Codification Authentication Effort.**

- A. Chapter 166 Vehicles and Traffic ordinances were presented and voted on April 24, 2013. These changes were included and placed into the Code with format changes, other conventions implemented during the codification.
- B. Chapter 5 Boards, Commissions and Committees ordinances were presented on January 09, 2013 and June 26, 2013. These changes were included and placed into Code with format changes, other conventions implemented during the codification.
- C. Chapter 170 Zoning ordinances were presented on April 10, 2013 and August 14, 2013. These changes were included and placed into Code with format changes, other conventions implemented during the codification.
- D. Chapter 131 Offenses ordinance was presented on January 9, 2013. These changes were included and placed into Code with format changes, other conventions implemented during the codification.
- E. Chapter 170 Zoning was reviewed by the Committee for formatting only, other standardization suggestions were forwarded to the Planning Board.
- F. Chapters 92, Driveways, Chapter 149 Site Review Regulations, and Chapter 155 Subdivision Regulations are included in the Code as regulations of the Planning Board.

##### **1-29. Documents, Bylaws, Rules and Regulations.**

Documents open to public inspection pertaining to municipal bylaws, rules and regulations are on file in the office of the City Clerk, where they may be examined during regular business hours or anytime on the City of Dover's website.

- A. City Council Rules and Regulations
- B. Merit Plan
- C. Budget
- D. Fee Schedule
- E. Municipal Records Retention Schedule
- F. All Boards, Commissions and Committees Rules and Regulations

## ***GENERAL PROVISIONS***

### **1-30. Green Book Header Page and Table of Contents.**

The Green Book of Dover contains THE CHARTER and THE CODE inclusive. The codification standardized the three (3) sections of the Header section of the Green Book as:

**A. First Page:**

- (a) The Official Seal of Dover, NH
- (b) The wording in Capitals, Bold and Large Font Centered

# **CITY OF DOVER, NH CODE BOOK**

**PUBLISHED BY THE CITY CLERK'S OFFICE**

**B. Next Page:**

- (a) The Official Seal of Dover, NH
- (b) The wording in Capitals, Bold and Large Font Centered

## **OFFICIALS OF THE CITY OF DOVER, NH**

**Municipal Building  
288 Central Avenue  
Dover, New Hampshire 03820  
Tel: (603) 516-6021  
Fax: (603) 516-6666  
2013**

## **DOVER CITY COUNCIL**

- (c) A table of the Dover City Councilors with the appropriate Ward

<b>Karen Weston</b>	<b>Mayor</b>
---------------------	--------------

**DOVER CODE**

<b>Edward Spuler</b>	<b>Ward 1</b>
<b>William Garrison</b>	<b>Ward 2</b>
<b>Michael Crago</b>	<b>Ward 3</b>
<b>Dorothea Hooper</b>	<b>Ward 4</b>
<b>Catherine Cheney</b>	<b>Ward 5</b>
<b>Michael Weeden</b>	<b>Ward 6</b>
<b>Robert Carrier</b>	<b>At Large/Deputy Mayor</b>
<b>Vacant</b>	<b>At Large</b>

(d) Names and Titles of the City Clerk, General Legal Counsel and City Manager:

**KAREN LAVERTU**  
**City Clerk**

**ANTHONY I. BLENKINSOP**  
**General Legal Counsel**

**J. MICHAEL JOYAL JR.**  
**City Manager**

C. Next Page:

(a) Table of Contents Containing:

- i. The Charter with the Articles of Such
- ii. The Code with the Parts of Such

1. PART 1 ADMINISTRATIVE LEGISLATION

2. PART 2 GENERAL LEGISLATION

**1-31. Other Findings.**

During the codification authentication of the Code there were instances where differences were found in electronic recording of the Ordinances, in the indexing and with the date of adoption and the ordinance numbers themselves. Ordinances will continue to be identified by the date of their first reading and a number for the agenda/docket ie: O-2013.10.09-013 the date is the date of the vote ie: 11-13-2013. Thus this Ordinance is recorded as Added on 11-13-2013


## ***GENERAL PROVISIONS***

by Ord. No. 2013.10.09-013. Online the reader will see an 'O-' preceding the Ordinance number: O-2013.10.09-013.

### **1-32. Originating Official Ordinance with Voting Records.**

The following is a copy of the Originating Ordinance O-2013.10.09-013 pages 1 & 2 for Adoption of this Chapter. The entire Ordinance with complete Code volume with strikeouts and underline presentation as required in Charter section C3-8 is available in the Clerk's Office and online on the City of Dover's Website.

## DOVER CODE

 <b>CITY OF DOVER</b>	<b>CITY OF DOVER - ORDINANCE</b>	
	Agenda Item#:	
	Ordinance Number	O-2013.10-09-013
	Ordinance Title:	General Provisions (et al)
	Chapter	1 (referencing therein Chapters 2 – 170)

The City of Dover Ordains:

### 1. PURPOSE

An Ordinance adopting a codification and revision of the Ordinances of the City of Dover, County of Strafford, New Hampshire pursuant to Dover Charter C3-10; providing for the maintenance and adoption of said Code; except as noted therein; repealing and saving from repeal certain Ordinances not included therein; establishing a penalty for altering or tampering with Code, and making certain changes in previously adopted Ordinances.

### 2. AMENDMENT

Chapter 1 entitled "General Provisions," with subsequent referenced ordinance chapters through Chapter 170, is hereby adopted.

**SEE ATTACHED ORDINANCE IN ITS ENTIRETY**

### 3. TAKES EFFECT


This attached Ordinance in its entirety shall take effect upon passage and publication of notice as required by RSA 47:18.

**REQUIRES A PUBLIC HEARING**

### AUTHORIZATION

Approved as to Funding:	Daniel R. Lynch Finance Director	Ordinance	Sponsored by:
Approved as to Legal Form:	Anthony I. Blenkinsop City Attorney	Verification and Authentication Committee	Ward 5 Councilor Catherine Cheney, Chair At-Large Councilor Karen Weston, Co-Chair Ward 6 Councilor Michael Weeden, Clerk
Recorded by:	Karen Lavertu City Clerk		

## ***GENERAL PROVISIONS***

 <b>CITY OF DOVER</b>	<b>CITY OF DOVER - ORDINANCE</b>		<b>Agenda Item#:</b>
	Ordinance Number	<b>O-2013.10-09-013</b>	
	Ordinance Title:	<b>General Provisions (et al)</b>	
	Chapter	<b>1 (referencing therein Chapters 2 – 170)</b>	

**DOCUMENT HISTORY:**

First Reading Date:	Public Hearing Date:
Approved Date:	Effective Date:

**DOCUMENT ACTIONS:**

VOTING RECORD		
Date of Vote:	YES	NO
Mayor		
Deputy Mayor, Robert Carrier, At Large		
Councilor Edward Spuler, Ward 1		
Councilor William Garrison, Ward 2		
Councilor Michael Crago, Ward 3		
Councilor Dorothy Hooper, Ward 4		
Councilor Catherine Cheney, Ward 5		
Councilor Michael Weeden, Ward 6		
Councilor Karen Weston, At Large		
Total Votes:		
Resolution does <del>not</del> pass.		

**ORDINANCE BACKGROUND MATERIAL:**

The Dover Charter C3-10 requires codification of the ordinances of the City of Dover every ten years. Over the last year, in cooperation with Department Heads, the Ordinance Codification and Verification Committee reviewed all the ordinances of the City of Dover. Through the adoption of Chapter 1 some Chapters are being recommended for repeal and some amendments to Chapters are being recommended.

Document Created by: Legal  
Document Posted on: O-2013.10.09\_General Provisions Chapter 1  
Page 1 of 1